

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STEEL WORKERS OF AMERICA,
and its affiliated Local 2395,

Plaintiff,

CASE NO. 05-74071
HON. LAWRENCE P. ZATKOFF

v.

TECUMSEH PRODUCTS COMPANY,

Defendant.

ORDER DISMISSING ORDER TO SHOW CAUSE

On May 16, 2006, the Court issued to Plaintiff's counsel Richard Mack and Defendant's counsel David Gunsberg an Order to Show Cause as to why they were not in attendance at the May 11, 2006 scheduling conference. Both Mr. Mack and Mr. Gunsberg have responded to the Court's Order to Show Cause. For the reasons given below, the Court will dismiss its May 16, 2006 Order to Show Cause.

As to Mr. Gunsberg, the Court is completely satisfied with his response and finds that the Order to Show Cause should be dismissed as against him.

As to Mr. Mack, the Court will dismiss the Order to Show Cause against him, but the Court believes some further explanation is warranted. Over the past several months, Mr. Mack made numerous assurances to the Court that the case had been settled and that he would be submitting a stipulated order of dismissal shortly. Despite Mr. Mack's assurances, he did not promptly submit a stipulated order of dismissal and repeatedly requested adjournments from the Court regarding the scheduling conference. The Court granted Mr. Mack's adjournments three times. On May 3, 2006, more than a week before the May 11 scheduling conference, the Court notified Mr. Mack that no

more adjournments would be granted and that if he did not want to attend the scheduling conference he should submit the stipulated order of dismissal. Two days before the scheduling conference, on May 9, 2006, Mr. Mack called the Court and requested another adjournment. When the Court denied his request, Mr. Mack asserted that he had a personal appointment and would not be able to attend.

Instead of submitting the stipulated order of dismissal, which would have alleviated the use of the Court's resources in conducting an unnecessary scheduling conference on a case which had already been settled, Mr. Mack chose to send an associate to the May 11, 2006 scheduling conference. In the Court's opinion, Mr. Mack's associate was not prepared to discuss the case. Furthermore, the Court was (and is) not satisfied that Mr. Mack chose not to attend a personal appointment instead of the Court's scheduling conference, a scheduling conference which had already been adjourned multiple times for his benefit and which had been on the schedule for weeks.

Despite the Court's misgivings as to Mr. Mack's behavior, and despite the Court's reservations as to Mr. Mack's response, the Court ultimately finds that Mr. Mack should not be sanctioned and that the Order to Show Cause should be dismissed.

For the above reasons, the Court HEREBY DISMISSES the May 16, 2006 Order to Show Cause against Plaintiff's Counsel Richard Mack and Defendant's counsel David Gunsberg.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: June 7, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on June 7, 2006.

s/Marie E. Verlinde

Case Manager
(810) 984-3290